IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6810 OF 2006

Indira Raje Mukane
& Ors. .. Petitioners.

vs.

Jayanti Pandurang Mali
& Ors. . .. Respondents.

Mr. A.Y. Sakhare i/by Y.K.S. Legal
for petitioners.

CORAM : A.P. DESHPANDE, J.

DATE : 15th November, 2006.

P.C.

. In a suit instituted by the respodents herein, the trial court has granted temporary injunction restraining the petitioners from interfering with the possession of the plaintiffs in regard to the suit property. The order passed by the trial Court granting temporary injunction was called in question by filing misc. civil appeal by the petitioners. The First Appellate Court concurring with the view taken by the trial Court has dismissed the misc. appeal and confirmed the order of temporary injunction. Aggrieved thereby the present writ petition has ben filed.

2. Perusal of the impugned orders leave no room for doubt that the concurrent findings in regard to the possession of the plaintiffs have been recorded which does not call for any interference at the hands of this court in exercise of jurisdiction under Article 227 of the Constitution of India. Even otherwise, since April 2004 temporary injunction is operating against the present petitioners. The suit is of the year 2004. In my opinion, ends of justice would be met by directing the trial Court to decide the suit expeditiously.

3. At this stage, the learned counsel for the petitioners submits that the trial court may be influenced by the observations made by the First Appellate Court while dismissing Misc. Civil Appeal. The apprehension is ill-founded in as much as the observations made in the said order, which relate to temporary injunction, are always prima facie in nature and are not conclusive so as to weigh with the trial Court while deciding the main matter.

4. In the result, the writ petition is summarily dismissed. I hope and trust that the trial Court, in the peculiar facts of the present case, shall proceed to decide the suit as expeditiously as possible. I expect the decision in the suit within a period of six months from today.

(A.P. Deshpande, J.)